



DEPARTMENT OF HEALTH & HUMAN SERVICES

OCT 25 1999

Food and Drug Administration
Rockville MD 20857

2020 99 OCT 26 P1:40

The Honorable George R. Nethercutt, Jr.
House of Representatives
Washington, D.C. 20515-4705

Dear Mr. Nethercutt:

Thank you for your letter of September 24, 1999, also signed by eleven of your colleagues, concerning the Food and Drug Administration's (FDA or the Agency) proposed rule on refrigeration and safe handling labeling of shell eggs, which was published in the Federal Register of July 6, 1999.

You and your colleagues express concern that while an educational message is appropriate, the labeling options proposed by FDA are inappropriately alarmist as shown by a study commissioned by the American Egg Board. You support alternative wording proposed by egg producers.

We appreciate your thoughtful comments on our proposed rule. Although the comment period for this regulatory proposal closed on September 20, 1999, your comments will be forwarded to the docket for this issue. The Agency does try, as time and resources permit, to accommodate comments received after the comment period.

Please contact us if we may be of further assistance in this matter. A similar letter has been sent to the co-signers of your letter.

Sincerely,

Melinda K. Plaisier
Associate Commissioner
for Legislation

cc: Dockets Management Branch
(Docket No. 98N-1230)

96P-0418

C773

- The majority of respondents saw the FDA label as a warning rather than a message to promote specific actions such as refrigeration. Of these respondents, most viewed the FDA label as either (1) a message about bacteria or (2) a warning that eggs can be harmful.
- The alternative labels alerted consumers without alarming them and promoted specific consumer actions.
- Almost three times as many consumers said that the message from one of the alternative labels was "refrigerate" as gave this response for the FDA label. Consumers saw refrigeration as a primary message in each of the alternative labels.
- Similarly, the alternative labels got higher marks for encouraging "cleanliness" and conveying information on "how to cook/take care of eggs" than did the FDA label.
- A much larger portion of the consumers saw the main point of one of the alternative labels as safety (36% vs. 17% for the FDA label).

We understand that you will have access to this and other research in the public comments filed by the United Egg Producers. The government should act on sound information and choose label wording that will best achieve its goal, not merely convey the most strident message.

As members of Congress, we support alternative wording proposed by egg producers and urge FDA to adopt it. The wording builds on consumer-tested messages and the successful FightBAC campaign developed jointly by government and industry.

Your serious consideration of these comments will be greatly appreciated. Please advise us of your and FDA's decision.

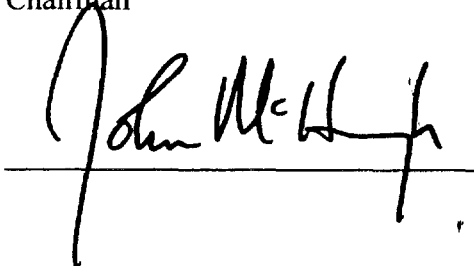
Sincerely,


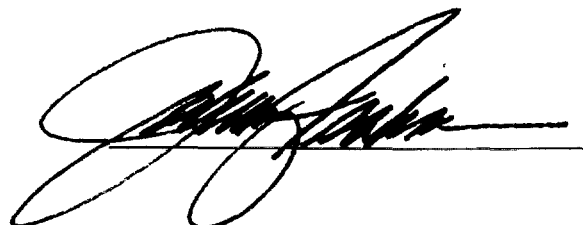


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The Honorable Thomas Reynolds

The Honorable Steve Buyer

The Honorable Virgil Goode

The Honorable George Nethercutt

The Honorable Asa Hutchinson

The Honorable Gary Condit

09-30-99-0012

CROSS FILE SHEET

File Number:

98N-1230/ C 773 /ANS

See File Number:

97P-0197/ C 774 /ANS

96P-0418/ C 773 /ANS